

SINCLAIR BROADCAST GROUP

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**VIA DHL**

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COUNSEL

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Lawrence Norton, Esq.  
General Counsel  
Federal Elections Commission  
999 E. Street, N.W.  
Washington, DC 20463

**RE: MUR #5570**

Dear Mr. Norton:

Pursuant to the provisions of 11 C.F.R. 111.6(a), I am writing to respond to the Complaint (the "Complaint") against Sinclair Broadcast Group, Inc. ("Sinclair"), Frederick G. Smith, an officer and director of Sinclair, and Mark Hyman, an employee of Sinclair, filed by the an individual named Sam Osborne with the Federal Election Commission (MUR #5570).

The Complaint alleges that KGAN-TV (Cedar Rapids, Iowa), a television station owned by a subsidiary of Sinclair has somehow violated Federal election laws by broadcasting statements by Mr. Hyman.\* Although the Complaint does not provide sufficient specificity, Sinclair believes that all of these statements appeared in KGAN's news programming

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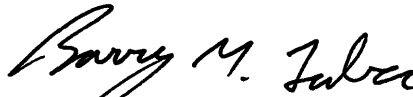
\* Although the Complaint also objects to a programming decision made by television stations owned by other subsidiaries of Sinclair, it is not clear that the Complaint claims that this action violated any law, particularly since KGAN was not impacted by this programming decision.

Sinclair owns, programs and/or provides other services to 62 television stations located in 39 markets across the United States. Thirty-nine of these 62 stations, including KGAN-TV, currently broadcast news on a regular basis. Sinclair undeniably constitutes a legitimate news outlet and Sinclair, a publicly traded corporation, is neither owned nor controlled by any political party. As a result Mr. Hyman's statements clearly qualify for the media exception to "electioneering communications" under 2 U.S.C. §434(f)(3)(B)(i). Moreover, all statements made by Mr. Hyman in KGAN's news are clearly labeled as commentary during the broadcast.

Sinclair respectfully requests that the Federal Election Commission dismiss the Complaint. If you need any additional information to grant Sinclair's request, please let me know.

Thank you.

Sincerely yours,



Barry M. Faber  
Vice President/General Counsel

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